

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 23-cr-129 (PJS/TNL)

Plaintiff,

v.

ORDER

Stephen Shepherd, III,

Defendant.

This matter comes before the Court on Defendant Stephen Shepherd, III's Second Motion for Extension of Deadlines. ECF No. 24. Defendant previously filed a Statement of Facts in Support of Extension ("Statement of Facts"). ECF No. 22; *see also infra* n.2.

Defendant requests a two-week extension¹ of the deadline to file motions and a corresponding extension of the other deadlines in this case. ECF No. 24 at 1. Defendant states that there have been continued issues with viewing discovery at the facility where he is being detained; he has not yet been able to confer with counsel; "counsel is awaiting a response from the [Government] about discovery deficiencies"; and there have been discussions "about possible resolution." ECF No. 24 at 1-2. In e-mail correspondence with the Court, the Government states that it has no objection to Defendant's request. In his Statement of Facts, Defendant requests that this period of time be excluded from computation under the Speedy Trial Act.² ECF No. 22 at 1.

¹ The motion requests "an extension of the deadline to file pretrial motions for two weeks from May 30 to June 6, 2023." ECF No. 24 at 1. Two weeks from May 30 is June 13, not June 6. The court understands the reference to June 6 to be an inadvertent typographical error. *See also infra* n.2.

² When the Court sought clarification from defense counsel regarding the statement of facts, defense counsel

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial, and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Second Motion for Extension of Deadlines, ECF No. 24, is **GRANTED**.

2. The period of time from **the date of this Order through June 13, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **June 13, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel shall electronically file a letter on or before June 13, 2023, if no motions will be filed and there is no need for a hearing.**

5. All responses to motions shall be filed by **June 27, 2023**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **June 27, 2023**. D. Minn. LR 12.1(c)(3)(A).

responded by e-mail, stating that "[t]he previous statement of facts agreed to exclude through June 13 in anticipation of a possible second motion for extension."

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **June 30, 2023**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **July 11, 2023, at 9:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Chief District Judge Patrick J. Schiltz's chambers on ***a date to be determined***. Responses to trial-related motions (including motions in limine) must be submitted by ***a date to be determined***.

A pretrial conference will be held on ***a date to be determined*** in Courtroom 15, Minneapolis, before Chief Judge Schiltz. The Government must submit its lists of prospective witnesses and prospective exhibits at this conference.

This case must commence trial on *a date to be determined* before Chief Judge Schiltz in Courtroom 15, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Chief District Judge Schiltz to confirm the new trial date.**

Dated: June 5, 2023

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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